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DIRECTOR'S OFFICE MEMORANDUM 2011 - 3

EFFECTIVE: December 29, 2010

DATE: December 13, 2010

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Patricia L. Caruso, Director

SUBJECT: Electronic Messaging

SUPERSEDES DOM 2010 - 4 (effective 01/01/10) and DOM 2010 - 14 (effective 04/01/10)

Prisoners in Correctional Facilities Administration (CFA) are allowed to receive electronic messages from members of the public, including family members, sent through a vendor approved by the Department. The Department is currently implementing a pilot program which, when expanded state-wide, will allow general population prisoners to send electronic messages to members of the public. Currently, only electronic messages sent and received through JPay are authorized. This service is available at no cost to the Department. The system links information to reveal associations between prisoners and senders for use by designated staff (e.g., inspectors). Electronic messaging through JPay, including prisoner use of a kiosk to send or read such messages, is considered a privilege.

All in-coming and out-going electronic messages sent via JPay are scanned for suspicious content, recorded, and archived by JPay. In addition, all electronic messages received by the Department will be monitored and will not receive any special handling, regardless of sender, even if the message would qualify for special handling if received through the mail. Senders are required to comply with all of JPay's terms and conditions of use, including not to transmit content that is unlawful, obscene, or is otherwise objectionable as determined by the Department or for a fraudulent or other inappropriate purpose. Service terminations by JPay must be addressed with JPay; such terminations are not appealable to the Warden.

Department staff may block electronic messages as set forth in this Director's Office Memorandum.

IN-COMING ELECTRONIC MESSAGING TO PRISONERS

Upon receipt at the facility of an electronic message sent to a prisoner, the electronic message shall be printed by designated staff (unless prisoners are allowed access to a kiosk to read electronic messages)

and processed in the same manner as set forth for mail in PD 05.03.118 "Prisoner Mail"; however, the written content may be read in its entirety to determine if it violates PD 05.03.118. Any electronic message that has been determined by JPay to include suspicious content shall be read in its entirety. An electronic message that is determined to violate PD 05.03.118 shall be rejected. The intended prisoner recipient is not entitled to notice of the rejection or a hearing. Designated staff shall notify the sender, however, that the electronic message will not be delivered and the reason for the rejection through JPay. The sender may appeal the rejection in the same manner as set forth for rejected mail in PD 05.03.118. The printed copy of the rejected message shall be retained for at least 15 business days after the sender is notified of the rejection; the printed copy shall then be destroyed unless an appeal by the sender is pending or the rejection determination has otherwise been reversed. Although the printed copy is destroyed, JPay will retain its archived copy.

Designated staff may block a sender from transmittal of electronic messages to prisoners if the sender has repeatedly sent such messages in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Designated staff may similarly block a prisoner from receipt of electronic messages if such messages have repeatedly been sent to the prisoner in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Notice of the block shall be sent to the sender or prisoner, as appropriate, within a reasonable time after the block is initiated. If blocked, the sender and prisoner may continue to correspond via the United States Postal Service in accordance with Department policy. The sender may appeal the block to the Warden.

Staff who are registered users may send work-related electronic messages to prisoners; all electronic messages sent to prisoners from staff shall be printed and delivered to the prisoner to whom the message is being sent, even if the prisoner has access to a kiosk.

OUT-GOING ELECTRONIC MESSAGES FROM PRISONERS

Prisoners will not be allowed to initiate contact with a member of the public; a prisoner will only be allowed to send electronic messages to a person who first sent the prisoner an electronic message. A person may block receipt of electronic messages from a prisoner if s/he chooses to do so.

Prisoners will use kiosks installed in housing units or other designated areas within the institution to send electronic messages. The kiosks also will be used to retrieve electronic messages sent from members of the public. (Prisoners also may use the kiosk to check their trust account balance as well as view recent transactions where this service is available.) Prisoners serving a toplock or "loss of privileges" sanction will not have access to the kiosk during the sanction period but may retrieve transmitted inbound electronic messages after the sanction period has been served. If printing services are available via the kiosk, the prisoner will be charged a fee established by the CFA Deputy Director to use this service.

Outbound electronic messaging services will not be available to prisoners in any form of segregation or to prisoners in the Special Alternative Incarceration Facility. In addition, such services will not be available to prisoners housed in in-patient mental health units, the Duane L. Waters Health Center, Residential Treatment Programs, or the Secure Status Outpatient Treatment Program unless approved by the CFA Deputy Director or designee.

All outbound electronic messages are scanned for suspicious content, recorded, and archived by JPay. In addition, all outbound electronic messages are subject to monitoring by the Department. Any outbound electronic message that has been determined by JPay to include suspicious content shall be read in its entirety. An outbound electronic message that is determined to violate PD 05.03.118 "Prisoner Mail" shall not be transmitted to the recipient; in such cases, designated staff shall notify the sending prisoner that the message will not be transmitted and the reason for that decision. The prisoner is not entitled to a hearing to contest this decision.

Designated staff may block a prisoner from sending electronic messages if the prisoner sends electronic messages in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Notice of the block shall be sent to the prisoner within a reasonable time after the block is initiated. If blocked, the prisoner may continue to correspond via the United States Postal Service in accordance with Department policy.

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